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In the field of international politics, Mr. Archibald C. Coolidge read a paper on "America in the Pacific," in which he dealt with the relations of American countries with the Orient. The section met under the presidency of Mr. Leo S. Rowe.

The papers presented contained an abundance of interesting material upon American precedents in international law. The illustrations used by South-American writers would naturally be taken largely from the experience of their own and neighboring nations. In the discussions a truly American spirit prevailed and there was no desire unduly to press the point of view of any particular government. The guiding purpose which had animated the men who prepared the Congress was the essential unity of American science. They considered it desirable that a representative Congress should consider the specific basis and achievements of American science in all its branches. The discussions in the section on international law were in full accord with this purpose. While in no sense favoring a secession from the universal science of international law, the men here assembled attempted to determine the general character and outline of those problems which the American science of international law must solve for itself, either because of conditions in our countries which do not prevail in other continents, or because of the fact that we have come to an accord upon certain principles which as yet have not been made a part of universal international law.

THE RESTORATION OF CUBAN SELF-GOVERNMENT

For the second time within the administration of President Roosevelt Cuba has been evacuated by American forces and turned over to the duly constituted government of the republic. As is well known the war between the United States and Spain was caused by the unsatisfactory condition of Cuba, and the occupation of Cuba by American forces, begun in 1898, was continued until May 20, 1902, when President Palma assumed office. During the summer and fall of 1906 a revolution broke out in Cuba which paralyzed not merely the government but threatened its international position so that the United States felt constrained under the treaty between it and Cuba, dated May 22, 1903, and by virtue of Annex 3 of the Cuban Constitution of May 20, 1902, to intervene "for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with

respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.”¹

In order to ascertain the exact situation in Cuba, the President sent the Honorable William H. Taft, then secretary of war, and the Honorable Robert Bacon, then assistant secretary of state, to Cuba, the former of whom assumed the office of provisional governor of Cuba by proclamation,² proclaimed amnesty,³ issued decree number eleven declaring the congress of Cuba in recess during the provisional government of Cuba,⁴ and on October 13, 1906, turned the provisional government over to Governor Magoon.⁵ Governor Magoon remained in office ably and conscientiously administering the trust reposed in him by the President and the people of Cuba from October 13, 1906, until January 28, 1909, when President Gomez assumed office.

In order that the American occupation and its services to Cuba may be properly estimated a brief résumé is given of the laws drafted and promulgated by the provisional government: ⁶

1. *An elaborate Electoral Law*, granting manhood suffrage and framed after the most advanced Australian ballot system, dated December 12, 1907; for the election of municipal and provincial officers on August 1, 1908, and for a general election for President, Vice-President, etc., on November 14, 1908.

2. *An Organic Provincial Law* promulgated May 29, 1908, in force October 1, 1908. Under the law prevailing at the time we assumed the government, the Cuban Congress had legislated generally and the municipalities locally for all land under their jurisdiction. As the whole territory of Cuba was covered by municipal jurisdiction, nothing was left for the provincial authorities to legislate upon or to administer except public works, and the major portion of the provincial revenues collected were expended on personnel, in salaries and expenses.

The limitation of powers of provincial officials is the same under the new law, but it prescribes the portion of the revenue collected which may be spent upon salaries and general expenses.

3. *An Organic Municipal Law*, promulgated May 29, 1908, in effect October 1, 1908, making the municipalities entirely autonomous, without any interference by the general government in their local affairs. No provincial government is needed

¹ For a more extended account of the nature of the second intervention in Cuba see this Journal, 1:149-50.

² Cuban Gazette, September 29, 1906.

³ Id., October 10, 1906.

⁴ Id., October 12, 1906.

⁵ Id., October 13, 1906.

⁶ The facts concerning the legislation passed in Cuba under the provisional government were furnished by Paul Charlton, Esq., law clerk of the Bureau of Insular Affairs, War Department, Washington.

under the system heretofore and now prevailing in Cuba, but the establishment of such government is demanded by Cuban public sentiment, most likely for the reason that it affords places and emoluments to willing patriots.

4. *A Judiciary Law.* The body of the law in force in Cuba consists of enactments originally intended to apply to the Spanish Peninsula, and extended by royal decree or order to Cuba, as the same have been from time to time modified and amended by royal and military orders, and by laws enacted by the Cuban Congress during the Palma administration.

Under this law the supreme judges are to be appointed by the president with the advice and consent of the Cuban senate; all other judicial officers, excepting municipal judges, are to be appointed by the president from ternaries submitted by the Chamber of Administration of the Supreme Court.

Judicial appointments, under the Supreme Court, are originally made for four years. If the judge so appointed is satisfactory, his reappointment follows for a term of six years, and if still satisfactory at the end of said term he is reappointed for life, and is subject to removal only by impeachment.

5. *A Civil Service Law*, modeled on that of the United States, promulgated to take effect at the end of the fiscal year. As all appointive offices will then be filled, and the persons so appointed under the terms of the law pass into the civil service, its effect will not be manifest except in the future.

6. *Law of the Executive Power.* This makes legal provision for the administration of the Executive departments which are: State, Justice, Government, Treasury, Public Works, Public Instruction, Sanitation, Charities, Agriculture, and Commerce and Labor.

The foregoing laws furnish a complete political code for Cuba. Beside them there were promulgated the following laws:

The Law of Armed Forces, providing for a rural guard and permanent army.

Code of Military Justice, providing articles of war.

A Game Law.

In addition there were submitted, and now await the action of the Cuban congress, laws on: drainage and irrigation, telephones, notaries, and mortgages.

Legislation is urgently required on the following questions: Revision of the codes, laws for public instruction, railways, eminent domain, public works, administrative contracts, forestry, mines, and patents.

The foregoing laws were all drafted by an advisory commission appointed by the provisional governor, composed of nine Cubans representing the several political parties, and three Americans, and was headed by Colonel E. H. Crowder, General Staff, U. S. A., as its president.

During the provisional government there was expended on roads, bridges, harbors, light-houses, and other public works \$22,956,659.36, the average yearly budget for the period amounting to about twenty-

three million dollars. Prior to the election in August, 1908, a census of Cuba was taken and completed, under the direction of an official of the United States Census Bureau.

This brief statement sufficiently shows the earnest purpose of the American occupation, for the United States has sought by all means in its power to enable Cuba to maintain that independence acquired for it by the United States. The desires of the American people for the success of the sister republic was admirably voiced by President Roosevelt in his telegram of January 29, 1909, to the president and congress of the republic of Cuba, announcing the termination of the American occupation:

Upon the occasion of this final act, I desire to reiterate to you the sincere friendship and good wishes of the United States, and our most earnest hopes for the stability and success of your government. Our fondest hope is that you may enjoy the blessings of peace, justice, prosperity, and orderly liberty, and that the friendship which has existed between the republic of the United States and the republic of Cuba may continue for all time to come.

THE FIRST DECISION OF THE CENTRAL AMERICAN COURT OF JUSTICE

In its October (1908) issue the JOURNAL called attention to the formation of the Central American Court of Justice, explained its jurisdiction and procedure, and furnished a list of the judges of the court. In July, 1908, Honduras appeared before the court accusing Guatemala and Salvador of unneutral conduct in that the sister republics were taxed with fomenting revolution in Honduras. The pleadings in this remarkable case were set out in sufficient detail in the editorial comment to which reference is made.¹

After considering the case during a period of several months and weighing the arguments addressed to it by the counsel of the parties litigant, the court delivered its judgment on December 19, 1908. The *considerandos* have not been received but will be printed together with the judgment in the section devoted to judicial decisions in a subsequent issue. A literal translation of the text of the judgment follows:

In the city of Cartago, Costa Rica, at 12 at night of December 19, 1908. The deliberations of the court having been considered to have been concluded, so that it could proceed to render judgment on the suit begun by the government of the republic of Honduras against the governments of El Salvador and Guatemala,

¹ Vol. 2, p. 835.